

**THOITS, LOVE, HERSHBERGER & McLEAN**

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*Financial Services, Inc.*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE MCGRAW COMPANY, a California  
corporation; and WESTERN SERVICE  
CONTRACT CORP. a California corporation,

Plaintiffs,

v.

H-D MICHIGAN, LLC, a Michigan limited  
liability company; and HARLEY-DAVIDSON  
FINANCIAL SERVICES, INC., a Delaware  
corporation,

Defendant.

And Related Counterclaims.

CASE NO. CV10-00539 JSW

STIPULATION TO EXTEND TRIAL  
DEADLINES, DISCOVERY AND MOTION  
CUT-OFF AND ~~PROPOSED~~ ORDER  
THEREON

1 IT IS HEREBY STIPULATED by the parties hereto, through their respective counsel,  
2 pursuant to Civil Local Rule 6-2, that:

- 3 (1) the current trial date of July 11, 2011 be extended to August 8, 2011;
- 4 (2) the current pretrial conference date of June 20, 2011 be extended to July 18, 2011;
- 5 (3) the last day to hear dispositive motions be extended from May 13, 2011 to June 17,  
6 2011;
- 7 (4) the current expert discovery cut-off of April 22, 2011 be extended to May 23, 2011;
- 8 (5) the last day for expert disclosure be extended from March 4, 2011 to April 4, 2011; and
- 9 (6) the current non-expert discovery cut-off of March 4, 2011 be extended to April 4,  
10 2011.

11 All other court scheduled dates and deadlines shall remain the same.

12 Good cause exists to grant this extension as follows: the parties are working together to  
13 resolve this matter. The parties attended mediation on December 9, 2010. They are in the process  
14 of working out a settlement and anticipate reaching a mutual resolution shortly. To ensure the  
15 parties are not prejudiced by their attempts to settle, and to avoid potentially unneeded litigation,  
16 they mutually and in good faith, seek an extension of the remaining deadlines.

17 Previously, stipulations and orders resulted in the following time modifications:

18 On February 23, 2010, the parties stipulated and the Court ordered to extend the time for  
19 plaintiffs to file an amended complaint to March 10, 2010 and for defendant to respond to the  
20 complaint or first amended complaint, if applicable, to April 2, 2010.

21 On October 15, 2010, the parties stipulated and the Court ordered to extend the last day for  
22 fact discovery from January 12, 2011 to March 4, 2011, and the last day for expert discovery  
23 would be extended from March 25, 2011 to April 22, 2011.

24 The stipulation and proposed order, if issued, would affect the fact and expert discovery  
25 cut-offs set by the Court via its scheduling order, dated June 21, 2010, Docket No. 20, in the  
26 manner shown in Schedule A attached hereto.

1 WHEREAS the current trial date in this action is July 11, 2011;

2 WHEREAS the current pretrial conference is set for June 20, 2011;

3 WHEREAS the last day to hear dispositive motions is May 13, 2011;

4 WHEREAS the current expert discovery cut-off is April 22, 2011;

5 WHEREAS the last day for expert disclosure is March 4, 2011;

6 WHEREAS the current non-expert discovery cut-off is set for March 4, 2011;

7 WHEREAS the parties are currently in settlement negotiations and hope and anticipate  
8 resolution of this matter;

9 WHEREAS in light of current settlement discussions the parties have agreed to extend  
10 deadlines in this matter to save time and resources, avoid potentially unnecessary litigation and to  
11 ensure no party is prejudiced;

12 NOW THEREFORE, the parties, through their respective counsel, hereby stipulate to and  
13 request an order:

14 (1) extending the current trial date of July 11, 2011 to August 8, 2011;

15 (2) extending the current pretrial conference date of June 20, 2011 to July 18, 2011;

16 (3) extending the last day to hear dispositive motions of May 13, 2011 to June 17, 2011;

17 (4) extending the current expert discovery cut-off of April 22, 2011 to May 23, 2011;

18 (5) extending the last day for expert disclosure of March 4, 2011 to April 4, 2011; and

19 (6) extending the current non-expert discovery cut-off of March 4, 2011 to April 4, 2011.  
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1 DATED: January 27, 2011

**THOITS, LOVE, HERSHBERGER & MCLEAN**

2  
3 By /s/ Andrew P. Holland

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5 Andrew P. Holland  
6 Attorneys for Plaintiffs and Counterdefendants  
7 McGraw Commercial Insurance Services and  
8 Western Service Contract Corp.

9 DATED: January 27, 2011

**PRUETZ LAW GROUP LLP**

10 By /s/ Erica J. Pruetz

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12 Erica J. Pruetz  
13 Attorneys for Defendant and Counterclaimants  
14 H-D Michigan, LLC and Harley-Davidson-  
15 Financial Services, Inc.  
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**Declaration of Consent**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Andrew P. Holland.

DATED: January 27, 2011

**PRUETZ LAW GROUP LLP**


By /s/ Erica J. Pruetz

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Erica J. Pruetz  
Attorneys for Defendant and Counterclaimants  
H-D Michigan, LLC and Harley-Davidson-  
Financial Services, Inc.

**IT IS SO ORDERED.**

DATED: January 27, 2011



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HON. JEFFREY S. WHITE  
United States District Judge